

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 04-10299-PBS

UNITED STATES OF AMERICA

VS.

VALENTIN MARTINEZ

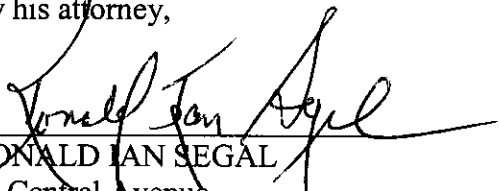
OBJECTION TO ORDER OF EXCLUDABLE TIME

NOW comes the defendant in the above-entitled matter, by and through undersigned counsel, and respectfully objects to the order of excludable time from January 20, 2005 through March 23, 2005, and further to June 1, 2005 (Swartwood, M.J.), for reasons as follow:

1. The instant case involves approximately twenty-one separate defendants.
2. On or about January 25, 2005, Swartwood, M.J. drafted a status report following an interim pre-trial conference.
3. Most of the defendants, via their counsel, were seeking to obtain further discovery from the Government and had assented to a continuance to March 23, 2005 for the first phase of discovery to be completed.
4. Only four defendants, including Valentine Martinez objected to any further continuances, waived any additional discovery and answered ready for trial immediately.

5. As a result of the said objections, the Magistrate Judge divided the four objecting parties, designating Grullon, Martinez, Madera and Estrada as “trial defendants” and the remaining several defendants as “discovery defendants.”
6. The four “trial defendants” had their cases returned to Saris, J. for trial.
7. Notwithstanding the different categories of the various defendants, in despite the defendant’s readiness for trial, the Magistrate Judge ordered the period from January 20, 2005 to March 23, 2005 as excludable time. Thus, even though both categories of defendants stand in radically different postures, all defendants are being treated alike, ordered to be tried on or before June 1, 2005. (See enclosed Status Report).
8. The defendant respectfully objects to even a single day of excludable time beyond January 20, 2005.

Respectfully submitted,
VALENTIN MARTINEZ
By his attorney,



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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

BENITO GRULLON,
VALENTIN MARTINEZ,
KELVIN MADERA and
RICARDO ESTRADA, ET AL,
Defendants,

CRIMINAL ACTION
NO. 04-10299-PBS

STATUS REPORT
January 31, 2005

SWARTWOOD, M.J.

The following is a Status Report to Saris, J. to whom this case is assigned:

1. Trial

This is a multi-defendant case in which the following Defendants have requested that this case be returned to Judge Saris for trial: Benito Grullon, Valentin Martinez, Kelvin Madera and Ricardo Estrada.

A. Length of Trial

Counsel for the parties estimate approximately three weeks.

B. Substantive Motions

None anticipated.

C. Defenses

None of the Defendants intend to present an alibi, public authority or insanity defense.

D. Interpreter

All four of these Defendants need a Spanish speaking interpreter.

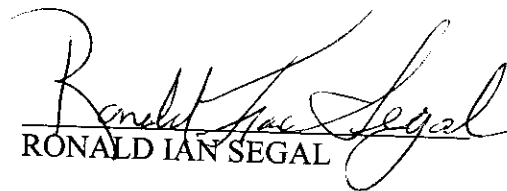
2. Excludable Time

I have previously excluded from the Speedy Trial Act, the entire period from date of arraignment of these Defendants through March 23, 2005. Therefore, assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case be tried on or before Wednesday, June 1, 2005.

/s/Charles B. Swartwood, III
CHARLES B. SWARTWOOD, III
MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I, Ronald Ian Segal, Esquire, hereby certify that I have delivered copies of the within Objection To Order Of Excludable Time, by mailing same, postage prepaid, to Assistant United States Attorney Robert Peabody, Esquire, One Courthouse Way, Suite 9200, Boston, Massachusetts 02210, this 11th day of February, 2005.


RONALD IAN SEGAL